

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Jeffrey Forbes,
Plaintiff,

v.

Thomas W. Harker,¹ Acting Secretary,
Department of the Navy, Portsmouth Naval
Shipyard,
Defendant.

Civil Action No. 1:20-cv-11327-NMG

DEFENDANT'S MOTION TO DISMISS OR TRANSFER DUE TO LACK OF VENUE

Defendant, by and through his attorney, Nathaniel R. Mendell, Acting United States Attorney for the District of Massachusetts, respectfully requests that this Court dismiss this case, or transfer it to Maine, due to lack of venue. This employment lawsuit arises out of a tentative offer of employment for a position in Kittery, Maine that was rescinded after a pre-employment fitness for duty examination. None of the allegedly discriminatory employment actions occurred in Massachusetts, and none of the relevant records are housed or administered in Massachusetts. For these reasons, venue is improper in Massachusetts, and this Court should either transfer this case to the District of Maine or dismiss this lawsuit under Fed. R. Civ. P. 12(b)(3).

A memorandum of law accompanies this motion.

*Motion to dismiss is denied; motion to transfer is allowed;
the case will be transferred to the United States District
Court for the District of Maine.*
JMBorton, USDJ 04/09/2021

¹ Thomas W. Harker is substituted as a defendant pursuant to Fed. R. Civ. P. 25(d).